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SERVICE DATE – LATE RELEASE AUGUST 3, 2018

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36169

CHESTER COUNTY, PA.—PETITION FOR DECLARATORY ORDER

Decided: August 3, 2018

By petition filed on March 14, 2018, Chester County, Pa. (the County), a municipal governmental entity, seeks a declaratory order confirming that a line of railroad located between Linfield Road and State Route 422 in Pottstown, Pa. (the Line), and owned by Norfolk Southern Railway Company (NSR), has been abandoned. The County also asks the Board to confirm that, if the Line has been abandoned, its acquisition by the County and conversion to a trail cannot be undertaken pursuant to § 8(d) of the National Trails System Act, 16 U.S.C. § 1247(d), and 49 C.F.R. § 1152.29. A declaratory order proceeding was instituted in a decision served on May 16, 2018, and a procedural schedule was established by a decision served on June 13, 2018.

On July 31, 2018, the County filed a letter stating that the parties are conferring on a possible resolution and require an additional 30 days to be added to each of the dates in the procedural schedule. Therefore, the procedural schedule will be amended as follows:

Close of discovery	August 29, 2018
County opening statement	October 1, 2018
NSR reply	October 31, 2018
County rebuttal	November 15, 2018

It is ordered:

1. The procedural schedule is amended as described above.
2. This decision is effective on its date of service.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.